

Notice of Allowability	Application No.	Applicant(s)	
	10/029,591	JOINER ET AL.	
	Examiner	Art Unit	
	AKIBA K. ROBINSON BOYCE	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications filed 7/21/06.
2. ☒ The allowed claim(s) is/are 1-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>See Continuation Sheet</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|---|

/Akiba K Robinson-Boyce/
 Primary Examiner, Art Unit 3628

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date:
2/12/02, 2/12/02, 6/10/04, 10/25/04, 10/11/05, 12/15/05, 10/25/04

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin J. Zilka on 9/16/08 and 9/17/08.

The application has been amended as follows:

Claim 9 now reads as follows:

- (9). A computer program product embodied on a tangible computer readable medium for charging for network analysis, ~~and executing on a computer including a computer readable medium~~, comprising:
- (a) computer code for collecting network traffic information utilizing a plurality of agents;
 - (b) computer code for consolidating the network traffic information utilizing a plurality of host controllers coupled to the agents;
 - (e) computer code for reporting on the network traffic information to a user utilizing a plurality of zone controllers coupled to the host controllers; and
 - (d) computer code for determining a reoccurring fee associated with the reporting based on a number of at least one of the agents, the host controllers, and the zone controllers.

Art Unit: 3628

Claim 17 now reads as follows:

(17). A system for charging for network analysis updates, ~~and executing on a computer including computer readable medium,~~ comprising:

a processor

a computer program embodied on a tangible computer readable medium

the processor configured to execute the computer program and to cause the processor to carry out the steps of:

- (a) ~~logic for~~ collecting network traffic information utilizing a plurality of agents;
- (b) ~~logic for~~ consolidating the network traffic information utilizing a plurality of host controllers coupled to the agents;
- (e) ~~logic for~~ reporting on the network traffic information to a user utilizing a plurality of zone controllers coupled to the host controllers; and
- (d) ~~logic for~~ determining a reoccurring fee associated with the reporting based on a number of' at least one of the agents, the host controllers, and the zone controllers.

Claim 28 now reads as follows:

(28). A computer program product embodied on a tangible computer readable medium for charging for distributed network analysis, ~~and executing on a computer including a computer readable medium,~~ comprising:

Art Unit: 3628

computer code for collecting network traffic information utilizing a plurality of information collectors;

computer code for consolidating the network traffic information utilizing at least one information collector manager coupled to the information collectors;

computer code for reporting on the network traffic information to a user utilizing at least one interface; and

computer code for determining a fee associated with the distributed network analysis based on a number of the information collectors.

Allowable Subject Matter

2. Claims 1-34 are allowed.
3. Since allowable subject matter has been indicated, applicant is encouraged to submit formal drawings in response to this Office Action. The early submission of formal drawings will permit the Office to review the drawings for acceptability and to resolve any informalities remaining therein before the application is passed to issue. This will avoid possible delays in the issue process.
4. The following is an examiner's statement of reasons for allowance. None of the prior art of record either individually or in combination teach the following:
 - Producing a traffic report using a plurality of zone controllers
 - Charging a fee based on a number of Web servers or at least one of the agents, the host controllers, and the zone controllers
 - Charging a service fee "based on a number of the information collectors
 - Charging a fee based on the number of agents, host controllers, zone controllers, or information collectors that collect information about network traffic

The present invention discloses a method for charging for network analysis. The first allowable feature producing a traffic report using a plurality of zone controllers is not disclosed by any prior art reference. The closest prior art, Wolf et al (US 6,278,694)

Art Unit: 3628

shows a method for collecting and reporting monitoring data for network traffic. The next closest prior art, Turek et al (US 6,021,439) discloses a system for enabling the monitoring of quality of service obtained from sites that also protects the privacy of individuals. The next closest prior art, Furukawa et al (US 6,145,011) discloses an integrated information communication system has functions for performing routing by transferring information by a unified address system and by changing address at the access control apparatus, and is configured such that the aforementioned plurality of computer communication networks or information communication equipment can perform communications in an interactive manner. Newly cited art, Park et al "On The Relationship Between File Sizes, Transport Protocols, and Self-Similar Network Traffic" discloses a study on recent measurements of local-area and wide-area traffic and showing that network traffic exhibits variability and a wide range of scales-self-similarity. The next newly cited art, Crovella et al "Explaining World Wide Web Traffic Self-Similarity" discloses an explanation for traffic self-similarity by using a particular subset of wide area traffic: traffic due to the Worldwide Web. However, Wolf et al, Turek et al, Furukawa et al, park et al and Crovella et al all fail to disclose the feature of producing a traffic report using a plurality of zone controllers. This distinct feature has been added to independent claims 1, 9, 17 and 25 and renders them and all claims that depend from them (claims 2-8, 10-16, and 18-24) allowable.

The second allowable feature of charging a fee based on a number of Web servers or at least one of the agents, the host controllers, and the zone controllers is not disclosed by any prior art reference. The closest prior art, Wolf et al (US 6,278,694)

Art Unit: 3628

shows a method for collecting and reporting monitoring data for network traffic. The next closest prior art, Turek et al (US 6,021,439) discloses a system for enabling the monitoring of quality of service obtained from sites that also protects the privacy of individuals. The next closest prior art, Furukawa et al (US 6,145,011) discloses an integrated information communication system has functions for performing routing by transferring information by a unified address system and by changing address at the access control apparatus, and is configured such that the aforementioned plurality of computer communication networks or information communication equipment can perform communications in an interactive manner. Newly cited art, Park et al "On The Relationship Between File Sizes, Transport Protocols, and Self-Similar Network Traffic" discloses a study on recent measurements of local-area and wide-area traffic and showing that network traffic exhibits variability and a wide range of scales-self-similarity. The next newly cited art, Crovella et al "Explaining World Wide Web Traffic Self-Similarity" discloses an explanation for traffic self-similarity by using a particular subset of wide area traffic: traffic due to the Worldwide Web. However, Wolf et al, Turek et al, Furukawa et al, park et al and Crovella et al all fail to disclose the feature of charging a fee based on a number of Web servers or at least one of the agents, the host controllers, and the zone controllers. This distinct feature has been added to independent claims 1, 9, 17, and 25, and renders them and all claims that depend from them (claims 2-8, 10-16, and 18-24) allowable.

The third allowable feature of charging a service fee based on a number of the information collectors is not disclosed by any prior art reference. The closest prior art,

Art Unit: 3628

Wolf et al (US 6,278,694) shows a method for collecting and reporting monitoring data for network traffic. The next closest prior art, Turek et al (US 6,021,439) discloses a system for enabling the monitoring of quality of service obtained from sites that also protects the privacy of individuals. The next closest prior art, Furukawa et al (US 6,145,011) discloses an integrated information communication system has functions for performing routing by transferring information by a unified address system and by changing address at the access control apparatus, and is configured such that the aforementioned plurality of computer communication networks or information communication equipment can perform communications in an interactive manner. Newly cited art, Park et al "On The Relationship Between File Sizes, Transport Protocols, and Self-Similar Network Traffic" discloses a study on recent measurements of local-area and wide-area traffic and showing that network traffic exhibits variability and a wide range of scales-self-similarity. The next newly cited art, Crovella et al "Explaining World Wide Web Traffic Self-Similarity" discloses an explanation for traffic self-similarity by using a particular subset of wide area traffic: traffic due to the Worldwide Web. However, Wolf et al, Turek et al, Furukawa et al, park et al and Crovella et al all fail to disclose the feature of charging a service fee based on a number of the information collectors. This distinct feature has been added to independent claims 26 and 28, and renders them and all claims that depend from them (claims 27 and 29) allowable.

The fourth allowable feature of charging a fee based on the number of agents, host controllers, zone controllers, or information collectors that collect information about

Art Unit: 3628

network traffic is not disclosed by any prior art reference. The closest prior art, Wolf et al (US 6,278,694) shows a method for collecting and reporting monitoring data for network traffic. The next closest prior art, Turek et al (US 6,021,439) discloses a system for enabling the monitoring of quality of service obtained from sites that also protects the privacy of individuals. The next closest prior art, Furukawa et al (US 6,145,011) discloses an integrated information communication system has functions for performing routing by transferring information by a unified address system and by changing address at the access control apparatus, and is configured such that the aforementioned plurality of computer communication networks or information communication equipment can perform communications in an interactive manner.

Newly cited art, Park et al "On The Relationship Between File Sizes, Transport Protocols, and Self-Similar Network Traffic" discloses a study on recent measurements of local-area and wide-area traffic and showing that network traffic exhibits variability and a wide range of scales-self-similarity. The next newly cited art, Crovella et al "Explaining World Wide Web Traffic Self-Similarity" discloses an explanation for traffic self-similarity by using a particular subset of wide area traffic: traffic due to the Worldwide Web. However, Wolf et al, Turek et al, Furukawa et al, Park et al and Crovella et al all fail to disclose the feature of charging a fee based on the number of agents, host controllers, zone controllers, or information collectors that collect information about network traffic. This distinct feature has been added to claims 30-34, and renders them allowable.

Art Unit: 3628

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

•Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 3628

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.
September 18, 2008

/Akiba K Robinson-Boyce/
Primary Examiner, Art Unit 3628